

JUN 21 2004

WOOD, HERRON &amp; EVANS, L.L.P.

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BRUCE TITTEL  
DONALD F. FREI  
DAVID J. JOSEPHIC  
DAVID S. STALLARD  
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THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, PH.D.

OF COUNSEL  
JOHN D. POFFENBERGER  
THOMAS W. FLYNN

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-241-6234

EMAIL: Info@whopatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.

KATHRYN E. SMITH

KRISTI L. DAVIDSON

P. ANDREW BLATT, PH.D.

DAVID E. JEFFERIES

WILLIAM R. ALLEN, PH.D.

JOHN PAUL DAVIS

DOUGLAS A. SCHOLER

BRETT A. SCHATZ

DAVID W. DORTON

SARAH OTTE GRABER

WESLEY L. STRICKLAND (VA, DC BAR ONLY)

STEVEN W. BENINTENDI, PH.D.

TECHNICAL ADVISORS

HENRY M. LABODA, PH.D.

June 21, 2004

## FACSIMILE COVER SHEET

To: Examiner Gabriel L. Chu  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 09/827,804  
Filed: April 6, 2001  
Applicant: Timothy Roy Block et al.  
Art Unit: 2114  
Confirmation No.: 6868  
Our Ref: IBM/180

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of  
Facsimile Transmission (2 pages)  
Amendment After Final (10 pages)

Pages: 13 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIAL

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (13 total pages) are being transmitted via facsimile transmission to Examiner Gabriel L. Chu, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on June 21, 2004.

*Judith L. Volk*  
Judith L. Volk

*June 21, 2004*  
Date

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If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

**PATENT**  
 Att'y Docket No. IBM/180/124  
 Confirmation No. 6868

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk  
 Judith L. Volk

June 21, 2004  
 Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Timothy Roy Block et al.	Art Unit: 2114
Serial No.: 09/827,804	Examiner: Gabriel L. Chu
Filed : April 6, 2001	
For : NODE SHUTDOWN IN CLUSTERED COMPUTER SYSTEM	

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment After Final.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ Enclosed is a verified statement to establish Small Entity status
- ☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	28	minus	30	0	\$18	\$0.00
Independent Claims	5	minus	5	0	\$86	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$290	\$0.00
<b>TOTAL FEE FOR CLAIMS:</b>						<b>\$0.00</b>

- ☒ No additional fee for claims is required.

Page 1 of 2  
 Serial No. 09/827,804  
 Transmittal for Amendment After Final of June 21, 2004  
 IBM Docket: ROC92000312US1  
 WH&E IBM/180  
When transmitted After Final Transmittal, send

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1,480.00	\$ 740.00
<input type="checkbox"/>	five months	\$2,010.00	\$1,005.00

Extension fee due with this request:

\$ \_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

OR

- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



Scott A. Stinebruner  
Reg. No. 38,323

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Roy Block et al. Art Unit: 2114  
Serial No.: 09/827,804 Examiner: Gabriel L. Chu  
Filed: April 6, 2001 Atty. Docket No.: IBM/180  
For: NODE SHUTDOWN IN CLUSTERED COMPUTER SYSTEM

AMENDMENT AFTER FINAL

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Final Office Action dated May 25, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

Page 1 of 10  
Serial No. 09/827,804  
Amendment After Final dated June 21, 2004  
Reply to Office Action of May 25, 2004  
IBM Docket ROC920000312US1  
WH&E IBM/180  
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